



# Reference Guide:

## Health Insurance Rights for Victims and Survivors of Domestic Violence



Victims and survivors of domestic violence may experience barriers in accessing health care due to:

- ▶ Healthcare information that may be shared with insurance policy holders.
- ▶ Loss of health insurance due to separation from the primary insurance policy holder.

New York law provides specific health insurance protections for victims and survivors of domestic violence:

- ▶ Victims and survivors of domestic violence can keep their healthcare and treatment insurance claim information **confidential** from a policyholder.
- ▶ Victims and survivors of domestic violence are entitled to **special enrollment** periods to get insurance or minimize lapses in coverage.



### Health Insurance Confidentiality for Victims and Survivors of Domestic Violence

Victims and survivors of domestic violence who have a valid order of protection against the policyholder, or any other person covered by the insurance policy, can send the order to their insurer so that the insurer will not disclose addresses and telephone numbers to the policyholder or other person.

A victim or survivor who states that disclosure of claims information to the policyholder could endanger them or their minor child can also receive alternate communications (mail, text, email) from health insurers and to alternate locations to keep information confidential from the policyholder.

For more information, please visit the Department of Financial Services' webpage, [Confidentiality for Victims of Domestic Violence](#). The Department has also drafted a sample [confidential communication request form](#) that victims and survivors of domestic violence can use to submit a request to an insurer if needed.



## Health Insurance Special Enrollment Period for Victims of Domestic Violence

All insurers and health maintenance organizations (HMOs) that offer comprehensive health insurance coverage must provide a special enrollment period to victims and survivors of domestic abuse regardless of previous coverage.

- ▶ The special enrollment period is available to any member of a household who is a victim of domestic abuse, including unmarried and dependent victims within the household.
- ▶ For applications received by the 15th of any month, coverage should be effective on the first day of the following month. For applications received after the 15th of the month, coverage should be effective on the first day of the second following month.
- ▶ Insurers may request the inclusion of a statement attesting to eligibility for the special enrollment period. There is no specific time period that one had to have been a victim of domestic violence, and insurers should not require any additional proof.



### File a Complaint With the New York State Department of Financial Services

If you believe your rights are being violated, visit the Department of Financial Services website and use our [Consumer Complaint Form](#) to file a complaint about an insurance company.



## Office for the Prevention of Domestic Violence | Department of Financial Services

### New York State Office for the Prevention of Domestic Violence

The Office for the Prevention of Domestic Violence (OPDV) is the country's only cabinet-level executive state agency dedicated to the issue of gender-based violence.

#### For more information, contact OPDV:

518-457-5800

[opdvpublicinfo@opdv.ny.gov](mailto:opdvpublicinfo@opdv.ny.gov)

[opdv.ny.gov](http://opdv.ny.gov)

### New York State Department of Financial Services

The Department of Financial Services (DFS) supervises and regulates the activities of more than 3,000 financial institutions with assets totaling more than \$9.7 trillion in NYS.

#### For more information, contact DFS:

(800) 342-3736

[consumers@dfs.ny.gov](mailto:consumers@dfs.ny.gov)

[dfs.ny.gov](http://dfs.ny.gov)

